

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

BHARATKUMAR G. THAKKER,	:	1:20-cv-480
<i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Hon. John E. Jones III
	:	
CLAIR DOLL, <i>in his official capacity</i>	:	
<i>as Warden of York County Prison,</i>	:	
<i>et al.</i> ,	:	Hon. Martin C. Carlson
Defendants.	:	

ORDER

February 1, 2021

AND NOW, upon consideration of the Report and Recommendation (Doc. 350) of United States Magistrate Judge Martin C. Carlson recommending that the Respondents’ motions to deny the habeas petitions filed by Petitioners Jean H.C. Augustin and Henry Pratt,¹ (Docs. 323 and 329) be granted, and the habeas petitions of Augustin and Pratt should be dismissed, and noting that neither party has not filed objections² to the report and that there is no clear error on the record,

¹ Both Petitioners Augustin and Pratt were previously released from immigration custody by this Court with conditions of release and were expressly warned that their release order would expire if they were to abscond. (Doc. 60, p. 2). As of this writing, both Augustin and Pratt have absconded and cannot be located. Accordingly they may be re-arrested by immigration authorities if located and remanded to immigration custody without violating any Orders of this Court.

² When parties fail to file timely objections to a magistrate judge’s report and recommendation, the Federal Magistrates Act does not require a district court to review the report before accepting it. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). As a matter of good practice, however, the Third Circuit expects courts to “afford some level of review to dispositive legal issues raised by the

see Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (explaining that “failing to timely object to [a report and recommendation] in a civil proceeding may result in forfeiture of *de novo* review at the district court level”) and the Court finding Judge Carlson’s analysis to be thorough, well-reasoned, and fully supported by the record

IT IS HEREBY ORDERED THAT:

1. The Report and Recommendation (Doc. 350) of Magistrate Judge Carlson is **ADOPTED** in its entirety.
2. Respondents’ motions to deny the habeas petitions filed by Petitioners Jean H.C. Augustin and Henry Pratt, (Docs. 323 and 329) are **GRANTED**.
3. The habeas petitions of Petitioners Jean H.C. Augustin and Henry Pratt are **DISMISSED** and the Clerk of Court shall **TERMINATE** Petitioners Augustin and Pratt as parties to this docket.

report.” *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987). The advisory committee notes to Rule 72(b) of the Federal Rules of Civil Procedure indicate that “[w]hen no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” FED. R. CIV. P. 72(b), advisory committee notes; *see also Henderson*, 812 F.2d at 878-79 (stating that “the failure of a party to object to a magistrate’s legal conclusions may result in the loss of the right to de novo review in the district court”); *Tice v. Wilson*, 425 F. Supp. 2d 676, 680 (W.D. Pa. 2006) (holding that the court’s review is conducted under the “plain error” standard); *Cruz v. Chater*, 990 F. Supp. 375-78 (M.D. Pa. 1998) (holding that the court’s review is limited to ascertaining whether there is “clear error on the face of the record”); *Oldrati v. Apfel*, 33 F. Supp. 2d 397, 399 (E.D. Pa. 1998) (holding that the court will review the report and recommendation for “clear error”). The Court has reviewed the magistrate judge’s report and recommendation in accordance with this Third Circuit directive.

4. This matter is **REMANDED** to Magistrate Judge Carlson for all further pretrial management.

s/ John E. Jones III
John E. Jones III, Chief Judge
United States District Court
Middle District of Pennsylvania